IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4809 of 2005

Between:

1 M.Mallikarjuna, S/o.Mallanna
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
2 V.Pampaiah S/o.Muttaiahswamy
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
3 K.Viswanath S/o.Siddalingappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
4 B.Adi Basappa, S/o.Basappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
5 V.Gouda, S/o.Ramalingappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
6 K.Karurappa, S/o.Lingappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
7 K.Nagappa S/o.Hanumanthappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
8 K.Komarappa, S/o.Hanumanthappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
9 K.Ranani W/o.Late Baktavatsala
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
10 K.Lingappa S/o.Late Lingappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
11 B.Narasimhulu, S/o.Basappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
12 B.Sivalinga, S/o.Basappa
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.
13 Thippappa D/o.Late Mallamma
R/o.Obulapuram Village, D.Hirehal Mandal, Anantapur District.

..... PETITIONER(S)

AND

1 State of A.P.rep by its Principal Secretary, Department Mines and Geology, Secretariat, Saifabad, Hyderabad.
2 AP Pollution Control Board, rep by its Member/Secretary, Mythri Bhavan, Ameerpet,
Hyderabad.
3 Director of Mines and Geology, Govt. of A.P Hyderabad.
4 District Collector, Ananthapur District at Anantapur.
5 The Revenue Divisional Officer, Dharmavaram, Ananthapur District.
6 The Mandal Revenue Officer, D. Hirehal (M), Ananthapur District.
Cantonment, Bellary, Karnataka State.
7 M/s Gimpex Ltd., rep by its Chief Manager, H.No.20, KHB Colony, Behind Nandi School, Cantonment, Bellary, Karnataka State.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 6 in not initiating any action on the representation dt.25.12.2004 submitted by the petitioners for prevention of widespread pollution being caused by the 7th respondent by illegal stone crushing operations being conducted in Sy.No.186 of Obulapuram Village, D.Hirehal Mandal, Ananthapur District is illegal, irregular and violative of art.14,21 and 300 A of the Constitution of India and also provision of Air (Prevention and control of Pollution) Ac and also Water (Prevention and Control of Pollution) Act and consequently direct the respondents to stop the said stone crushing activities and pass such other order or orders.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1 and 3: GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.2: Sri S..V. Bhatt

Counsel for the Respondents 4,5,6: G.P. for Revenue

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

The grievance of the petitioner in the writ petition is that the 7th respondent industry has installed a stone crushing unit, which is causing dust pollution and environmental problems. Petitioner has referred to the show cause notice dated 6.1.2005 which was issued by the respondent-Board to the 7th respondent, pursuant to the complaint of the villagers against the 7th respondent for causing dust pollution. On inspection, the Respondent No.7 was found to be carrying on its activity without seeking requisite consent from the Board. Therefore, Notice was issued on 6.1.2005.

Hence, we are of the view that the writ petition itself can be disposed of with a direction to the respondent-Board to act strictly in accordance with law and in case Respondent No. 7 is found to be violating any of the provisions of the environmental law, to issue appropriate directions as envisaged under the law by issuing necessary time bound directions. If the 7th respondent fails to comply with the directions issued by the respondent-Board, the respondent-Board will take adequate steps to ensure that Respondent No.7 is not permitted to cause any environmental problem and would stop all unlawful activities. Necessary action will be taken by the respondent-Board within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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DEVINDER GUPTA,CJ

DATE: 14th March, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1) The Principal Secretary , State of A.P., , Department Mines and Geology, Secretariat, Saifabad, Hyderabad.
2 The Member/Secretary, AP Pollution Control Board, Mythri Bhavan, Ameerpet, Hyderabad.
3 The Director of Mines and Geology, Govt. of A.P Hyderabad.
4 The District Collector, Ananthapur District at Anantapur.
5 The Revenue Divisional Officer, Dharmavaram, Ananthapur District.
6 The Mandal Revenue Officer, D. Hirehal (M), Ananthapur District.
Cantonment, Bellary, Karnataka State.

7 1 CC to MR.SATYANARAYANA NIMMAGADDA, Adovcate, High Court Buildings (OUT)

8 Two C.D. copies

9. Two C.Cs. to the Government Pleader for Mines and Geology, High Court Buildings, Hyderabad. (OUT)

10. Two C.Cs. to the Governmetn Pleader for Revenue, High Court Buildings,Hyderabad.(OUT)